

To,

The Chief Conservator of Forests,
Ballari Circle, Ballari.

Sir,

Sub: Diversion of 6.35 ha of forest land in favour of Sri. D. Ramesh, Bellary, R.M.
Block of Sandur North Range, Sandur taluk, Bellary District – reg.

Ref:

1. Online application No. FP/KA/MIN/15687/2015 dated: 30.09.2015.
2. Sri. D. Ramesh, Ballari letter dated: 21.02.2018.
3. Letter No. TA & ACF/B/2018-19 dated: 20.06.2018 of the Assistant Conservator of Forests, Ballari Sub-Division, Ballari.
4. Letter No. TA & ACF/B/2018-19 dated:
5. Letter No.5/45/2008-M-IV-M. IV dated: 03-06-2008 of Govt. of India, Ministry of Mines, New Delhi.
6. Letter No. CI/03/MMM/2005(part) dated:16.04.2010 of Under Secretariat to Government (Mines) C & I Department, Bangalore.
7. DMG letter No. DMG/ML No.238/AML-97/2010-11/9988 dated: nil.
8. Government of Karnataka Notification No.CI/62/MMM/2011 dated:19-03-2011.
9. This office letter No- M1/MNG/CR-26/2009-10 dated 20-02-2016.
10. Proceedings of Meeting, chaired by PCCF (HOFF) held on 28-03-2016.

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With reference to the above subject, Sri. D. Ramesh, Bellary has submitted an online application for diversion of 6.35 ha of forest land in R.M. Block of Sandur North Range, Sandur taluk, Bellary vide reference (1) above. The Nodal officer and Additional Principal Chief Conservator of Forests, (Forest Conservation), Bengaluru has scrutinized and forwarded the proposal through online portal. The user agency has submitted hard copy of the proposal vide reference (2) above.

Accordingly, this office directed the Assistant Conservator of Forests, Ballari and Range Forest Officer, Sandur North Range for field verification through Joint Survey and submit the complete proposal for diversion of 6.35 ha of forest land in R.M. Block of Sandur North Range, Sandur taluk, Bellary in favour of M/s. D. Ramesh, Ballari. The Assistant Conservator of Forests, Ballari Sub-Division, Ballari has submitted the report along with required maps vide letters cited at ref (3) and (4) above. Based on the field verification report of RFO, Sandur North Range and ACF Ballari Sub-Division, Ballari, we are herewith submitting following facts and observations:

- a) **Area:** As per the field verification and Joint Survey report of Forests, Revenue and Mines & Geology Departments, it was found that the user agency has applied for 6.35 hectares (including 0.45 hectares for approach road). Out of 6.35 hectares, 1.36 hectares' overlaps with M/s. J.M.

Vrushabendraiah, M.L.No.2173 (C-category mines as per CEC report). The same has been marked in the land use plan map. Since, it's a new proposal, the area was not surveyed by CEC earlier. As the applied area is overlapping with the adjoining C-category mines of M/s. J.M. Vrushabendraiah, M.L.No.2173, the area needs to be corrected by the user agency and submit the revised map. Therefore, the Forest Clearance may be proposed over an extent 4.54 (6.35 ha-1.36 ha) hectares only.

- b) **Net Present Value (NPV):** Sri. D. Ramesh, Bellary has submitted an undertaking for remittance of Net Present Value (NPV) over an extent of 6.35 hectares.
- c) **Safety Zone:** As per the Joint survey report, the Safety zone extent is calculated as 0.772 hectares. The copy of sketch is enclosed. The payment for Afforestation in degraded Forest (1½ time of the safety zone area) may be recovered from Sri. D. Ramesh, Ballari.
- d) **Compensatory Afforestation (CA):** As per the Government of Karnataka order vide No. APAJI-88, FLL-2016, Bangalore Dated:31.08.2016, the user agency (Private agencies) has to identify the Patta land. But, the user agency has identified the C & D land in Sy.No.1426 (8.76 acres) and in Sy. No. 1427 (13.74 acres) of Kottur Village, Kudligi taluk of Ballari District over an area of 22.50 acres (9.105 ha). Further, the identified C & D land is also not yet mutated and transferred in favour of Forest Department. In this regard, this office instructed the user agency to identify the Patta land as per the above Government order vide this office letter dated: 25.10.2018.
- e) **FRA certificate:** Certificate in Form-II under Forest Rights Act-2006 from the Deputy Commissioner is not been issued yet. In this regard, Sri. D. Ramesh, Ballari has submitted undertaking to submit the FRA certificate shortly.
- f) **Distance from Protected Area:** The proposed forest land is not part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. However, proposed area is 11.80 km distance from the Daroji sloth Bear Sanctuary and 11.10 kms distance from Eco-sensitive zone area of Daroji sloth Bear Sanctuary and 28.30 kms distance from the Gudekote sloth Bear Sanctuary and 26.20 kms distance from Eco-sensitive zone area of Gudekote sloth Daroji Bear Sanctuary.
- g) **Other issues:**
 - i. According to Hon'ble Supreme Court of India Judgement dated 14.12.2017, in the Samaj Parivartana Samudaya & Ors. Vs State of Karnataka & Ors., the Maximum Permissible

Annual Production (MPAP) limit fixed for the 'A' & 'B' category mines of Bellary district are fixed as **28 MMT**. Whereas, *the current production capacity of 'A' & 'B' category working mines (28 mines) and the production capacity of the yet to be resumed 'A' & 'B' category mines (31 mines whose 'R&R' plan is approved) is calculated as 32.308 MMT, which is more than the Maximum Permissible Annual Production (MPAP) limit fixed for the 'A' & 'B' category mines of Bellary district.* Further, the production capacity of the working 'C' category mines (4 mines) is 3.123 MMT and the production capacity of already auctioned, but yet to be resumed 'C' category mines (8 mines) is 3.048 MMT. The approximate production capacity of 14 'C' category mines which are yet to be auctioned is 7.56 MMT, whereas, the production capacity of the remaining 14 mines (whose 'R&R' plan is not approved yet) is calculated (@ 0.54 MMT) as 7.56 MMT. *Therefore, the production capacity of all the existing mines (59 'A' & 'B' category mines, 26 'C' category mines and 14 mines whose 'R&R' plan is yet to be approved) is calculated as 53.599 MMT, which far exceeds the Maximum Permissible Annual Production (MPAP) limit fixed for the 'A' & 'B' category mines of Bellary district is fixed as 28 MMT.*

- ii. As per the meeting held on 28-03-2016 under the Chairmanship of Principal Chief Conservator of Forests (HoFF), Bengaluru, it was decided not to grant approvals for mining in fresh areas and not to exceed the limit of 30 MMTs production of iron ore/year in three districts of Bellary, Chitradurga and Tumkur. Moreover, the proposed mining lease of Shri D. Ramesh has not been allotted any annual production limit by CEC.

The recommendation with regard to the proposal for diversion of 6.35 ha under Forest (Conservation) Act, 1980, is as follows;

- 1) The production capacity of all the existing mines (59 'A' & 'B' category mines, 26 'C' category mines and 14 mines whose 'R&R' plan is yet to be approved) is calculated as **53.599 MMT**, which far exceeds the **28 MMT** Maximum Permissible Annual Production (MPAP) limit fixed for the 'A' & 'B' category mines of Bellary district (According to Hon'ble Supreme Court of India Judgement dated 14.12.2017, in the Samaj Parivartana Samudaya & Ors. Vs State of Karnataka & Ors.,). *Therefore, recommending and approving new mining lease in the fresh forest area is not justiciable and cause irreparable damage to the forest and environment.*
- 2) As per the meeting held on 28-03-2016 under the Chairmanship of Principal Chief Conservator of Forests (HoFF), Bengaluru, it was decided not to grant approvals for mining in fresh forest areas. (Copy enclosed). *So, recommending for approval of mining in the fresh forest area would undermines the decision of Karnataka forest department.*

- 3) Since, it is a new mining lease application in the fresh/virgin forest area, *there is a need to cut about 745 trees (as per the enumeration list) of local species, which would lead to severe soil erosion and serious environmental damages. Therefore, approval of new mining lease in the fresh forest area would negatively affect the local flora, fauna and other environmental resources.*
- 4) As per the field verification, out of 6.35 hectares applied by the user agency (Shri. D. Ramesh), 1.36 hectares overlapped with M/s. J.M. Vrushabendraiah, M.L.No.2173 (Category-C mines). The Hon'ble Supreme Court in its W.P.No.562/2009 has finalized the lease boundaries of J.M. Vrushabendraiah Mining lease (ML No.2173). *Since, the area overlaps with the Vrushabendraiah Mining, in case of acceptance of this application, there is need to delete about 1.36 hectares' area which overlapped with M/s. J.M. Vrushabendraiah, M.L.No.2173 (Category-C mines).*
- 5) Since the applicant Shri. D. Ramesh is a private agency, he has to identify Patta land for CA area as per the Government of Karnataka order vide No. APAJI-88, FLL-2016, Bangalore Dated:31.08.2016. Whereas, the user agency has identified the C & D land in Sy.No.1426 (8.76 acres) and in Sy. No. 1427 (13.74 acres) of Kottur Village, Kudligi taluk of Ballari District over an area of 22.50 acres (9.105 ha). *Therefore, in case of acceptance of this application, the user agency has to give patta land for CA purpose and already instruction was given to the user agency from this office vide letter dated :25.10.2018.*

Check list.


- 1) Form-A.
- 2) Map of the proposed area with DGPS readings.
- 3) Topo-sheet 1:50000, duly marking the area proposed area for diversion.
- 4) Land use plan of the diversion area in 1: 25000 scale.
- 5) Map showing the details of protected area in 10 km radius from the boundary of area proposed.
- 6) Undertaking for payment of NPV & Additional NPV.
- 7) Undertaking for payment of Compensatory Afforestation amount and other charges if required.
- 8) Certificate for bare minimum use of forest land.

This is for kind information and needful.

Yours faithfully,
sd/-

Deputy Conservator of Forests,
Bellary Division, Bellary.

Copy Submitted to Additional Principal Chief Conservator of Forests (Forest Conservation), Bangalore for kind information.


Deputy Conservator of Forests,
Bellary Division, Bellary